

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 20-0417

TROY E. OWEN)	
)	
Claimant-Petitioner)	
)	
v.)	DATE ISSUED: 05/20/2021
)	
TEMCO, LLC)	
)	
and)	
)	
SIGNAL MUTUAL INDEMNITY)	
ASSOCIATION, LIMITED)	
)	
Employer/Carrier-)	
Respondents)	ORDER

On April 22, 2021, Claimant filed “Petitioner’s Motion to Reinstate Petition for Review” which we construe as a motion for reconsideration of the Benefits Review Board’s dismissal of Claimant’s appeal by Order dated February 25, 2021.¹ *See* 20 C.F.R. §802.407(a). Employer responds that Claimant’s motion should be denied as it was untimely filed.

We deny Claimant’s motion. Claimant’s motion is not timely as a motion for reconsideration, as it was not filed within 30 days after February 25, 2021. *See* 20 C.F.R. §802.407. Moreover, we do not excuse Claimant’s late filing. *See generally Dailey v. Director, OWCP*, 936 F.2d 241 (6th Cir. 1991). On January 27, 2021, the Board ordered Claimant to file his Petition for Review and brief within 10 days or show cause why his appeal should not be dismissed. Claimant did not respond to this order. It is too late to offer an excuse at this juncture.

¹ Claimant never filed a Petition for Review in this case and thus there is no pleading to reinstate.

Accordingly, we deny Claimant's motion. 20 C.F.R. §802.409.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge